

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **Continuation** Application of:

CHEIKH, Nordine, *et al.*

Appl. No.: To Be Assigned

Filed: Herewith

For: Nucleic Acid Molecules and Other
Molecules Associated with the
Carbon Assimilation Pathway

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 16517.258

Preliminary Amendment

Commissioner for Patents
Washington, D.C. 20331

Sir:

Prior to examination on the merits, Applicants hereby request entry of the following amendments in the above-captioned application:

In the Specification:

On page 1, please **delete** the paragraph entitled "Cross Reference to Related Applications" spanning lines 3-5, and **replace** it with the following paragraphs:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of co-pending U.S. Patent Application Serial No. 09/262,979 filed March 4, 1999 which claims priority under U.S.C. § 119(e) of U.S. Patent Application Serial No. 60/076,712 filed March 6, 1998, both of which applications are herein incorporated by reference in their entirety.

INCORPORATION OF SEQUENCE LISTING

Two electronic copies of the Sequence Listing ("Sequence Listing Copy 1" and "Sequence Listing Copy 2") and a computer readable form of the sequence listing ("CRF") on CD-ROM, each containing the file named "Sequence Listing for 16517.258.txt", which is 3,935,275 bytes in size (measured in MS-DOS), and which was created on November 15, 2001, are herein incorporated by reference.

In the Claims:

Please cancel claims 3-9 without prejudice or disclaimer to the underlying subject matter.

Please ADD the following claims:

10. (Added) An isolation nucleic acid molecule comprising a sequence that hybridizes under conditions of 6.0 X sodium chloride/sodium citrate (SSC) at about 45°C, followed by a wash of 2.0 X SSC at 50°C to SEQ ID Nos: 127, 137, 757, 1049, 1050, 3713, 5171, 5567, 5848, 6712 and complements thereof.
11. (Added) The isolated nucleic molecule, according to claim 10, wherein said nucleic acid molecule comprises a nucleic acid sequence selected from the group consisting of SEQ ID NO: 127, SEQ ID NO: 137, SEQ ID NO: 757, SEQ ID NO: 1049, SEQ ID NO: 1050, SEQ ID NO: 3713, SEQ ID NO: 5171, SEQ ID NO: 5567, SEQ ID NO: 5848, and SEQ ID NO: 6712.

12. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize ribulose-bisphosphate carboxylase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 127.
13. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize ribulose-bisphosphate carboxylase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 137.
14. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a soybean ribulose-bisphosphate carboxylase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 757.
15. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize phosphoglycerate kinase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 1049.
16. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize phosphoglycerate kinase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 1050.
17. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize triose phosphate isomerase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 3713.
18. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize phosphoenolpyruvate carboxylase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 5171.

19. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize alanine aminotransferase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 5567.
20. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize alanine aminotransferase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 5848.
21. (Added) The substantially purified nucleic acid molecule according to claim 1, wherein said nucleic acid molecule encodes a maize pyruvate phosphate dikinase and said nucleic acid molecule comprises a nucleic acid sequence of SEQ ID NO: 6712.
22. (Added) A method of determining an association between a polymorphism and a plant trait comprising:
- (a) hybridizing a nucleic acid molecule specific for the polymorphism to genetic material of plant, wherein the nucleic acid molecule has a nucleic acid sequence selected from the group consisting of SEQ ID NO: 1 through SEQ ID NO: 7341 or complements thereof or fragment of either; and
 - (b) calculating the degree of association between the polymorphism and the plant trait.

Remarks

Claims 3-9 have been canceled by this amendment and new claims 10-22 have been added. New claims 10-22 are supported by the original claims and the specification, for example, at page 26 line 4 - page 36 line 9, page 72 lines 6-18 and page 64 lines 16-21. No new matter enters by this amendment. Presently claims 1-2 and 10-22 are pending in the instant

application. The Sequence Listing has been formatted to comply with current 37 C.F.R. § 1.821 et seq. No new matter enters by this amendment.

The specification has been amended to update cross-reference to related application information, and to specify that the present application is a continuation application of co-pending application number 09/262,979, which claims priority under 35 U.S.C. § 119(e) to application number 60/076,712. The specification has also been amended to provide the references to the Sequence Listing as required by the current 37 C.F.R. No new matters enters by this amendment.

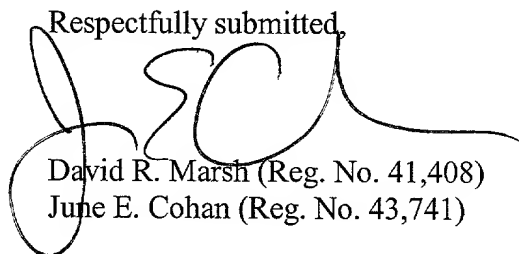
The presently pending claims are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is respectfully requested to contact Applicant's undersigned representative at (202) 942-5071 to address any unresolved issue remaining in this application.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to Arnold and Porter's Deposit Account No. 50-1824, referencing matter number 16517.258.

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned should any additional information be necessary for allowance.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JSC' with a long horizontal flourish extending to the right.

David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)

Date: November 16, 2001

ARNOLD & PORTER
555 12th Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile

11/16/01 10:00 AM

Marked-Up Versions

In the Specification:

On page 1:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of co-pending U.S. Patent Application Serial No. 09/262,979 filed March 4, 1999, which claims priority under 35 U.S.C. § 119(e) of **U.S. Patent** Application **Serial** No. 60/076,712 filed March 6, 1998, **both** [the entirety] of which **applications are [is]** herein incorporated by reference **in their entirety.**

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